

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 3, 5, 7, 9, 11, 13, 15, and 19 have been cancelled without prejudice. Claims 2, 4, 6, 8, 10, 12, 14, 16-18, and 20 remain pending in the present application, of which claims 1 and 20 are independent.

**Noted - IDS Considered**

The indication (see Office Action mailed on March 18, 2008) that the Information Disclosure Statement (IDS) as filed on January 26, 2006 and references listed therein have been considered is noted with appreciation.

**Approval of Drawings Requested**

Drawings were submitted on January 26, 2006. To date, no official indication of approval of the drawings has been noted in the prosecution history. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

**Claim Rejection Under 35 U.S.C. §103**

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bodin (US 5,241,685) in view of Kangas (US 5,504,937).

**INDEPENDENT CLAIM 2**

As an example, independent claim 2 recites (among other things) a feature(s) of "predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level." As will be explained below, at least this feature(s) of claim 2 is a distinction over Kangas, and thus over its combination with Bodin.

The Examiner asserted in the Office Action that "Bodin does not expressly teach predicting cell load" and that "[h]owever, Kanga, in similar art of endeavor, teaches the network controller measuring and/or predicting the traffic load of a certain neighboring base station (column 4, lines 45-53 and fig. 2) in which predicts cell by cell basis in order to determine the traffic pattern and load at any time in the future using exclusive drive test." Page 3, lines 4-8 of the Office Action.

However, the cited portions of Kangas merely teach "predicting the traffic

load of a certain neighboring base station” and does not teach or suggest “predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level.”

Hence, the noted feature(s) of claim 2, namely “predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level,” is a distinction over Kangas. The noted feature(s) also is a distinction over Bodin as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bodin as disclosing the noted feature(s).

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 2 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 2. Claims 4, 6, 8, 10, 12, 14, 16, 17, and 18 ultimately depend from claim 2, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 2, 4, 6, 8, 10, 12, 14, 16, 17, and 18 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

### **INDEPENDENT CLAIM 20**

Claim 20 incorporates features that correspond to those of claim 1 described above, and is, therefore, patentable over the cited references for at least the same reasons. Accordingly, withdrawal of the rejection of claim 20 is respectfully requested.

### **CLAIMS 1, 3, 5, 7, 9, 11, 13, 15, and 19**

Claims 1, 3, 5, 7, 9, 11, 13, 15, and 19 have been cancelled without prejudice.

Applicants respectfully emphasize that the cancellation and amendment of claims herein should NOT be construed as an admission by the applicant that any of the cited references teaches or discloses or suggests any of the claimed subject matter in the manner proposed by the examiner. In this regard, Applicants respectfully reserve all rights to present the subject matter of the rejected claims 1, 3, 5, 7, 9, 11, 13, 15, and 19 in a separate patent application continuing from this application or otherwise.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-1290.

Respectfully submitted,

Dated: February 13, 2009

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